

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**HOMELAND INSURANCE COMPANY
OF NEW YORK,**
Plaintiff,

v.

**CLINICAL PATHOLOGY
LABORATORIES, INC. and SONIC
HEALTHCARE USA, INC.,**
Defendants.

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CIVIL NO. 1-20-CV-783-RP

ORDER

Before the Court are Defendants' Motion for Summary Judgment (Dkt. 63), filed October 14, 2021; Plaintiff's Motion for Oral Hearing (Dkt. 70), filed October 29, 2021; and the parties' response and reply briefs. On April 21, 2022, the District Court referred the motions to the undersigned Magistrate Judge for Report and Recommendation and disposition, respectively, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

Because the Court finds that a hearing on Defendants' Motion for Summary Judgment would be beneficial, Plaintiff's Motion for Oral Hearing (Dkt. 70) is hereby **GRANTED**. Accordingly, the Court **ORDERS** counsel of record to appear for a hearing on Defendants' Motion for Summary Judgment (Dkt. 63) on **Tuesday, June 21, 2022 at 10 a.m.** in Courtroom 6 on the Sixth Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas. Counsel should be prepared to discuss the application of the fortuity doctrine to the facts of this case.

SIGNED on June 13, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE